

1888-027 Chancery Causes: L. P. Kane to vs. James E. Collier to
Lee Co.

Barker, Benson, McGeorge, Gibson, Altimus, Scott, Barron,
Hamilton, Wisely, Peterson, Shoop, Moore

CA-Contract Dispute
T-Property

To the Honorable H. S. K Morrison Judge
of the Circuit Court of Lee County Va.

Your Orators J P Kane a citizen
of Scott County Va J M. Barker and
wife Maggie A Barker citizens of Sullivan
County Tennessee, Edward Benson ^{Jr}
McGeorge Jr and Joseph B. Altemus
citizens of Philadelphia Pa

Humbly Complaining sheweth unto
Your Honor that they are the joint
owner of a certain tract of land
situate in the Counties of Scott Lee & Wise
being a large Survey known as
the McCreday ~~or~~ Patrick Survey
lying on ^{between} Stockport fork of Clinch
river and Pawells Mountain - for
a more definite description of Land
reference is here made to the deed
executed by Joseph Maitland to H. S.
Kane deed in the year 1855 and to
the deed of W. D. Jones to Altemus
Benson & McGeorge which deeds will
be filed or copies of same as a part
of this Bill Mark. A & B. on or before
the hearing of this cause. if deemed
necessary. Your Orator J P Kane
will state that he sold to W. D. Jones
the interest he inherited from his
father H. S. Kane deed but inherited

by will of his Sister Hannah Callaway
formerly Kane a one 5th interest in
said land & still owns the same. Your
Orator Maggie A. Barker formerly
Kane is also the heir of H. S. Kane
deced & inherited a one 5th interest
in said land from her said father.
Your Orators will further state that
the said H. S. Kane held possession
of said lands from the time he
purchased same in 1855 until his
death in 1876. and since his death
Your Orators and those under whom
they claim have held possession
of same and have had settlers
& tenants upon it & have exercised
acts of ownership over it continuously.
Your Orators further state &
believe and charge that within the
last few weeks. One James E. Collier
a citizen of Lee County Va has gone
upon that part of said land above
described which lies in said County
of Lee without any authority from
Your Orators, or any one else having
any legal or equitable title or claim
to said land, and has cut felled
and sawed into saw logs a large

Valuable lot of Poplar timber belonging to your orators, and as they are informed believe and charge have contracted & sold, or pretended to sell to one E. A. Gibson a citizen of Lewis County and that the said James B. Collier and Gibson are now removing or having removed off said land said logs for the purpose of appropriating the same to their own use for the purpose of defrauding your orators. And if permitted to do so would do your orators irreparable injury. They are further informed do believe and charge that the said James B. Collier has now cut about 90 poplar trees off said land of your orators ~~land~~ & has moved a part of saw on to the lands of James Barnes ~~land~~ on the north fork of Clinch in the open end of said County of Lee & is still removing more of said timber. Your orators charge & believe that said Gibson has knowledge that the said timber so cut is claimed & belongs to your orators. The amount of ~~timber~~ timber now cut & sawed into saw logs by the said Jas B. Collier is

worth the just & full sum of \$300⁰⁰.
And that by reason of said trespass
against the property of your orators
in the destruction of their timber
and other damages to said real
estate. They are damaged the
further sum of \$15000, both of
which sums they believe to be
just by reason of the wrongs
afore said. Your orators are
informed, believe & charge that
the said Jas E. Collier is a poor
man. & that according to the
ordinary process of law a debt
could not be collected off of
him. They further charge that
the said Collier is committing
great waste in their cutting
and removing their timber,
and unless restrained by your
honor. Your orators will suffer
great irreparable injury. That
said Collier is cutting said
timber without any authority
whatever, and for the purpose
of fraudulently injuring your
orators, and that the said L. A.
Gibson is aiding him in so doing by

contracting & purchasing said
timber. Your orators being without
adequate remedy at common law.
They are advised that a Court
of equity will protect their
rights & afford relief to stay
waste & irreparable injury. The
premises considered. The prayer
of your orators is that the said
Jas E. Collier & C. A. Gibson be
made defendants to their bill.
That they be required to answer
the same fully & truly. That they
and each of them and all other
persons, be enjoined & restrained
by writs of injunction from
selling removing or in any
way interfering with said
saw logs that have been
removed off of your orators
land or on one Jas Barnes land
or with the logs ^{or timber} still remaining
on your orators land until
the further order of this Court.
That a receiver be appointed
to take charge of said logs.
That the said Jas E. Collier
& C. A. Gibson be perpetually
enjoined from further committing

waste on said land of your orators
and upon a final hearing of this
cause. Your honor desire that
said logs be turned over and
delivered to your orators, and that
judgment be rendered against
said defendants for all damages
sustained by your orators by
reason of the wrongful acts of
the defendants aforesaid, and
if in anything your orators have
missed their remedy. They pray
for general relief. May the
Commonwealths writ of ~~8~~ per
issue directed &c.

Richard Holdway & Ewing. per

The County Va.

This day J. F. Kane appeared in per-
son before me John A. G. Hyatt
Clerk of the Circuit Court
of said County & State, and
made oath that the matters
in the foregoing bill, stated
as of his own knowledge
are true & those stated upon
the information of others he
believes to be true. Given
under my hand this 10th day Feb'y
1888.

J. A. G. Hyatt C.

C 11.35-
 S 2.50
 Sep 12.00
 15.00
 \$40.85-

H & C-
 J. P. Kane et al
 vs $\frac{2}{3}$ Inj Bill
 Jas E. Collier et al

Injunction granted as
 prayed for in the bill and
 each of said Defendants
 To James E. Collier & C. A.
 Gibson are enjoined and
 inhibited from cutting
 selling or removing any
 timber or saw logs from
 the tract of land men-
 tioned in the bill or from
 committing any waste
 thereon. But this in-
 junction is not to be
 operative until the
 said complainant or
 some one for him shall
 have & entered bond be-
 fore the Clerk of the Cir-
 cuit Court of Lee County
 in a penalty of \$400.00
 detained to pay all dam-
 ages & costs sustained by
 any person should
 this injunction be
 dissolved

Subscribed 10/1888

C. L. Dunsen Judge

1888 Mr. Bill filed Spa
 executed on James E.
 Collier, & his answer
 filed, & cause set. for
 hearing as to Deft Collier
 " Contd
 Spt Continued
 1888 Decr. Decree final

To the Honorable H. S. K. Morrison Judge of
the Circuit Court of Lee County 5th

The separate answer and demurrer of
James E. Collier to a bill exhibited against
him and another, in This Honorable Court
by J. P. Kane and others,

This respondent says the complainants' bill is not sufficient in law to call upon him to answer but that there is good cause of demurrer thereto and he demurs accordingly and not waiving said demurrer ~~he~~ ^{he} relying and insisting thereon for answer to said bill or so much thereof as he is advised it is material for him to answer answering says that he knows nothing whatever of the said several conveyances mentioned in said bill nor does he know anything of the will of the said Honniah Coloway but he requires full and strict proof of each. Nor does he know anything of the lines or boundaries of the McBrady or Patzick survey and he requires full and strict proof thereof. He has frequently been informed that the land owned and claimed by him is not within said survey and as the complainants claim under said survey he demands that they show by

full complete and perfect proof by
actual survey that it does cover it.
Respondent here expressly denies
that he has ever cut any timber or com-
mitted any trespass or waste upon
The complainants lands or the lands
of either of them. It is true ^{respondent} has been
cutting timber on lands in the wild
cat valley but these lands where he
cut said timber are his own, they have
been in his possession and those
under whom he claims for a period
as he is informed for more than 30 years.
He himself has been occupying using
^{said land} and cultivating part of the said land
for 5 years, and John Collier under
whom he claims has had the possession
of the same claiming using it and
cultivating it as his own for more
than 25 years before he sold it to
your orator and put him in possession
of it. Your orator will now show
your Honor that some 30 or more years
ago, Henry Hane who claimed to have
some kind of title to lands on Powell
Mountain sold to one John Collier
under whom respondent claims, a
boundary of land supposed to

contain a hundred acres for which
the said John paid him, the sum
of \$50. and the said Kane agreed
to make to said Collier a quit claim
deed but he never did make said
deed and therefore your orator
cannot say where said 100 acres
are situated, but if it should turn
out that said lands ~~are~~ owned
by said Mc Grady survey then he
claims the same under said pur-
chase ~~from~~ John Collier from
said Kane, but as above stated he
claims said land adversely to every
body he is ⁱⁿ the possession thereof
and has paid the taxes thereon for
11 years and he is fully satisfied
that said Kane or those claiming
under him have not paid any taxes
on the same during that time
he denies that they the complain-
ants or any one under whom they
claim ever had actual possession
of said lands from which he cut said
timber or any part of it he denies
that he ever sold to A Gibson any
timber off of said land or that said
Gibson ever had nor has he now

any interest of any kind in said timber or that he ever in any way claimed any interest in it so far as he knows he denies that said complainants or any of them or the said Henry I have under whom they claim has or ever had any right or title to said land. Respondent admits he is not a millionaire, but he is able to pay any damage he has done to complainants land or any land to which they have title, and now here expressly denying every allegation in said bill not herein before denied admitted or confessed and overruled he prays to be hence dismissed with his costs.

James E. Collier
by
C. T. Dunsen his atty

Virginia-Lee County to wit:

I J. A. G. Hyatt Clerk of the Circuit Court for Lee County do hereby Certify that James E. Collier personally appeared before me and made oath in due form that the statements made

by him in the foregoing answer
so far as made on his own
knowledge are true and so
far as made on information
derived from others he believes
them to be true. Given under
my hand this the 5th day of
March 1888. J. B. Hyatt & Co

James E. Collins
ans $\frac{1}{2}$ answer

J. P. Howe et al

Filed at March Rules 1888
J. A. Hyatt c.c.
—

To the Honorable J. H. Morrison Judge
of the Circuit Court of Lee County, Va

The separate answer of James C. Scott
to a rule awarded against him on the
3rd day of April 1888 on an affidavit
filed in the Chancery cause of J. P. Kane
& others vs James C. Collier, et al., by J. P.
Kane.

This respondent positively denies
that he has disobeyed in any way
the injunction granted in this cause
on the 10th day of February 1888 by the
Judge of the County Court of Lee County
Va. ^{is engaged in the timber business and he} Respondent, and one C. L. Hamble
began about the first day of January 1888
purchased from James C. Collier a
lot of Poplar trees sufficient to make
as estimated 100,000 feet of lumber.
These trees were standing on a tract
of land claimed by the said James
C. Collier and on which he then and
now lives as this respondent has
been informed. Shortly after making
this purchase, and about the 10th
or 15th days of January respondent
and said Hamble sold and trans-
ferred their said contract to one
James P. Barron, and since he

made said sale he has had nothing
whatever to do with said timber
Respondent never cut a single tree
on said land nor never had one cut
Not one single tree was cut from
said land before the sale made to
said Barrows as aforesaid. And
Respondent has had nothing what
ever to do with said timber trees or
logs since the granting of said in
junction nor did he give any au
thority to any one since the grant
ing of said injunction to cut or
remove said timber. And now
having fully answered said affi
davit and rule he prays to be hence
dismissed with his costs,

James C Scott by
C. L. Dunsen his atty.
of & Lu County To wit

This day J. C. Scott personally
appeared before me J. A. G. Hyatt Clerk
of the Circuit Court of Lu County and
made oath that the facts stated in
the foregoing answer so far as made
upon his own knowledge are true and
so far as made on information derived
from others he believes them to be true
Given under my hand this 5th
day of April 1888

J. A. G. Hyatt C. C.

J. L. Scott
ad. $\frac{1}{2}$ plus to Rule
3

I have it as

Filed Apr 5th
1888. J. A. Hyatt

To the Honorable H. S. Morrison Judge of
the Circuit Court of Lee County Va

The separate answer of James E.
Collins to a rule awarded against him
and others, on the affidavit of J. P. Kane
in the chancery cause of J. P. Kane &
others vs James E. Collins and another
and now pending in this Honorable
Court this respondent positively and
emphatically denies, that he has dis-
obeyed in any-way either ⁱⁿ spirit or in
fact the order of injunction granted
by the Judge of the County Court of Lee
County in this case. He positively
denies that he has removed or given
any permission to any person what-
ever to remove said timber or any part
of it from said lands, since he had
information that said injunction
had been granted.

C. T. Duncan, for.

J. E. Collins

Virginia Lee County, To wit

This day James E. Collins per-
sonally appeared before me and
made oath that the facts stated in the
above answer are true, Given under
my hand this 2^d day of April 1888

D. H. Syatt cc

Dr. J. J. objects to within answer, ~~that~~
as being insufficient in this, he fails to
state that there was no temper cut or
logs removed, ^{to his knowledge} he ought to state that he
there was any violation of the injunction
in any way it was done without his knowledge
or consent which he fails to do

Respectfully,
J. J. J.

J. B. Collins
ado 3 answers to
J. J. J.

To the Hon. H. S. K. Morrison Judge
of the Circuit Court of Lee County
Va.

The demurrer and separate answer of James P. Barron, to a rule awarded against him in the Chancery Cause of J. P. Kane against James Collier & al., now pending in this Hon. Court.

Respondent says there is no legal grounds for said rule against him, and of this he prays Judgment of the Court &c.

But if any other or further answer be deemed necessary answering he says, he is not a party to said suit, was never served with process or otherwise notified of the plaintiff's claim to said timber only as rumor detailed it in the neighborhood, and he denies having done any trespass or injury to the plaintiff's timber before or since service of the rule on him on yesterday April 4th 1888; and so he is advised that before he can be held liable in this proceeding it devolves upon the plaintiff to

make him a party to his proceedings
and allege some legal liability against
him - when that is done, respondent
will be ready to answer. And
having now fully answered he prays
to be dismissed with his costs &c.

A. L. Pickens
for respondent

Sworn to before me in due
form by Jas P. Barron April 5 1888

James D. Barron
Atty. General on
Rule.
J. D. Kane

J. P. Kane et al. vs J. P. Kane

vs

3 In Chancery,

James & Collins et al. Dfts.

This cause came on this day to be heard on the bill of the complainant the answer of the defendant James & Collins and the written agreement between J. P. Kane and James & Collins this day filed in the cause marked, "A. B." and was argued by counsel.

On consideration whereof it is by consent of parties, by their counsel, adjudged ordered and decreed That ^{said} cause be and the same is hereby dismissed pursuant to said written agreement, and it is further ordered That the Clerk of This Court deliver said written agreement to the Clerk of the County Court, together with a copy of this decree to be by him ~~recorded~~ in the proper books in his office and said cause is stricken from the docket. Record said written agreement as a part of this decree and the cause is stricken from the docket.

S. P. Ham tab

vs $\frac{1}{3}$ Deerfield

Gas & Collins tab

Enter this deer

H. S. K. M.

Dec 8th 1888

J P Kountal }
vs } In Lawy.
J. E. Colveral }

On motion of complainants in this cause
and on an Affidavit filed herein
a rule is awarded against J. E. Colver
James Scott, James P. Barnes, James McConnell
C. A. Gibson & John Colver, returnable before
the judge of this court on the fourth ~~of~~^{the}
day of this term of the court, to show
cause if any they can, why they
should not be fined & imprisoned for
their contempt, in disobeying the injunction
herein awarded in this cause.

J. P. Konekay
vs 3 Oran

J. E. Cooper & al

Entered Chas

O. B. pages 115-116

Wyatt Clerk

April 3^d 1888

Enter this Oran

H. S. K. Mc

J. P. Kane

vs } Depositions

James Callier et al

Rec'd through the
Mail in good condition
from J. P. before whom
taken and filed
March 14th 1888.

J. H. Hyatt & Co

Cost of Depo. \$12.00

The depositions Louis Hamilton, Isaac
Collier ~~from Guy~~ ^{Solomon Collier} and others. Taken
before me John Riddle a Justice of the Peace
in and for the County of Lee and State of
Virginia. at Wards Mill in the Well
Cat Valley - pursuant to notice on the
8th day of March 1888 - to be read as
evidence in a suit now pending in
in the Circuit Court of Lee County -
wherein J. P. Kane and others are the
Complainants and James Collier
and others are defendants.
Present Geo. A. Ewing Atty for Compts
and - J. C. Scott & J. C. Gibson & James
Collier for depts.

~~Quest - Solomon~~

The first witness Solomon Collier
of lawful age after being duly
sworn deposes as follows.

Quest - State whether or not you saw
James Collier cutting ^{or having cut} Poplar timber.

on the lands included in the McCreedy
or Patrick Survey: If so State when it
was and when he was cutting said timber?
Ans- yes sir I saw them cutting (that is
Colier's hands) timber on lands included
in the McCreedy or Patrick Survey about
one month ago, and my understanding is
that they are hauling now. This timber
is cut South of J. E. Colier's house on the
north side of Bowles Mountain

Ques 2. How many Saw logs have you seen
(if any) cut from this land by
Joe Collier or his hands

Ans- I suppose about two hundred
Saw-logs, perhaps more or less.

And further said note-

Soloman & Collier

The further taking of these depositions
is continued until tomorrow morning
at 8 o'clock. This March the 8-1888

John Riddle J.P.

Met pursuant to the adjournment this March
the 7-1888

John Riddle J.P.

The next witness Isaac Wisely - after being
duly sworn says -

Ques 1 - You will please state if you
hammered the timber ^{to + sawed to wood, then} cut by James
Collier on the land in dispute
in this suit - If so state about how
much was cut - and its value -
& quality of timber.

Ans - I saw two hundred & seventeen
logs that were said to be cut on the
land now in controversy, worth about
four hundred & thirty four dollars, and
one of the hands who was logging that there
was one hundred logs yet that I did
not see, would be worth two hundred
dollars

Ques 2 - You will state whether or not sawed
timber was being ^{to or hauled off} moved yesterday, if
so by whose ^{orders} did you understand they
were being moved?

Ans ~~By~~ It was one of the parties said

he was logging for James McConnell
and that McConnell was working for
James Barnes

Ques-3. Please state what damage (if any)
was done to the land and other timber
by the cutting felling & removing said
poplar timber?
Ans I would think about Twenty
five dollars.

And further saith not-
Isaac Wisely

The depositions of Isaac Wisely and
Solomon Collier are accepted because wholly
in hand writing of & & being one of the
counsel for complainants also because neither
of said witnesses gives any boundaries
of Hanes land or any knowledge or survey
ing by which they show said Hanes title
papers cover said land

April 2^d 1888

do. J. Duran
for Deft

The next witness Thos L. Peterson after being
duly sworn says -

Ques: You will please state if you
have examined the timber said to have
been cut by James Leclair upon the
lands in controversy in this suit.

Ans: I state about how much was cut -
the quality of timber and its value,

Ans I saw and examined two hundred
and seventeen logs worth four hundred
and thirty four dollars, and one of the hands
that was logging said there was one
hundred logs yet to haul worth two
hundred dollars; it is all good timber

Ques 2. You will state whether said timber
was being hauled or moved off yesterday.
If so by whose orders did you
you understand it was being moved
~~by~~

Ans. It was being moved yesterday. When
I burst one of the men hauling the timber, said

he was hauling for James McConnell

Ques 3. Please state the damage (if any) was done to said ^{& other timber} land by reason of the cutting and felling removing & of said timber

Ans. About twenty five dollars

Ques-4- You will state whether or not this land from which said timber was cut lies in the McCreedy or Patrick Survey owned by the late H. S. Kane dead

Ans. Yes sir, What timber I saw was cut in the McCreedy or Patrick Survey

Ques-5- You will state whether or not the same H. S. Kane during his life & original ownership of said land-

Ans- yes

Ques 6. State whether or not H. S. Kane's heirs since his death have exercised ownership of the ^{& from which said timber was cut} land, and rented same ~~at~~ and had tenants upon same

Ans. Yes,

And further said not-

Thomas L. Peterson

The foregoing deposition of J L Peterson is
accepted to be true in handwriting of A A King
one of Complainant's counsel also because
Mr Peterson shows no acquaintance
with the lines of said Kanes Land which
will enable to speak as to whose land
the timber spoken of is on, and for the
further reason that he does not state what
kinds of acts of ownership was exercised
by the said Kanes on said land
April 2-1888.

C. T. Dumas for
Defendants

The next witness W^m Shoop after being duly sworn says-

Ques 1- You will state whether or not you was employed by James Leekin to assist in cutting the lot of poplar timber in controversy in this suit?

Ans- yes sir

Ques 2- If you ever heard James Leekin say about how many trees he cut on said land. please state how many he said he had cut?

Ans- about one hundred trees

Ques 3- About how many saw logs would they average to the trees?

Ans- I get about three to the tree

Ques- 4- If you have seen any of said logs being hauled off said land recently state when it was and who was having them hauled?

Ans- I have seen them - hauling them off but don't recollect when - and further saith not -
W^m X Shoop

The next witness James Moore after
being duly sworn says—
Ques 1— You will please state if
you have been assisting in the
hauling of the ^{logs} cut by James
Collier which is in controversy
in this suit?

Ans— I have been hauling timber for James
McConnell & Alfred Huff I don't ~~know~~ who cut it
Ques 2— You will state where this timber was
cut. How far from where James Collier
now lives and in what direction from
his house?

Ans— on the north side of Powell's Mountain
part of it was close to his house none of it was
more ~~of~~ than three hundred yards from his house
and laid south ~~and~~ west of his house

Ques 3— Who was McConnell & Huff hauling
these logs for? If you ever heard
James Barnes say anything about
the hauling of the timber state what

he said about it?

Ans James Barron is the way I understood them I heard James Barron say to James Mcconnell that when he got that timber hauled out that ^{he} was ready to pay them for hauling it

Ques- About how many logs does there been hauled out of said timber?

Ans- There is about 212 logs hauled out

Ques- Have they hauled any of this timber recently if so when?

Ans- we have been hauling every week since we commenced and hauled some yesterday

And further said not-

(James Moore)

The next witness J. P. Kane after duly
sworn deposes as follows

Ques 1- You will please state who are
the owners of that part of the
McCrady or Patrick Survey off
which the the timber in controversy
in this case was cut? Also
state how they acquired title to
said lands?

Ans. Jas M. Borders & Maggie A. Borders ^{his wife}
Joseph B. Altemus. Wm McGeorge. Edward
Benson. & J. F. Kane. Maggie A. Borders is
one of the heirs of H. S. Kane Decd & acquired
her title by heirship. Jas. Borders her husband
acquired title by marriage. J. F. Kane ac-
quired his interest & title from Mrs Hannah
Callaway ^{Decd} his sister who was an heir of
H. S. Kane Decd & willed her interest to
me. Wm McGeorge, Edward Benson and
Joseph B. Altemus acquired title to this
land from Wm D. Jones & wife. & H. D. Jones

wife acquired title from H. S. & J. F. Kane
who are heirs of Henry S. Kane Decd.
And further sayeth not

J. F. Kane
The foregoing deposition of J. P. Kane
is accepted to because title cannot
be proved by parol statements
No title papers are exhibited either vesting
that land in Kane or his heirs or any
other parties
April 2nd 1888. C. T. Dunsen for
Deft

Lee County to wit:

I John Riddle a Justice of the peace for the County aforesaid in the State of Virginia do certify that the depositions of Solomon Collier, Isaac Wisely, Thomas L. Denton, William Shoop, James Moore and J. P. Kane were duly taken and sworn to by me at the time and place and for the purpose mentioned in the caption, and pursuant to notice which notice is herewith filed and an agreement of the parties, who were all present either by themselves and counsel. The said depositions were written by me and others in my presence. Given under my hand this the 9. day of March 1888

John Riddle J. P.

Bill of Cost in taking depositions - In
the case of J. P. Kane & others - vs James
Collins & others which accrued at the
instance of complainants -

John Riddle J.P. taking depositions		
4 Hours at 75¢ per hour		3.00
Isaac Wisely (day as witness)	⁵⁰ Mileage ⁵⁰	\$1.00
Thos L. Peterson (" " " " " "	⁵⁰ " ⁶⁰	1.10
Thos " " " " Serving 3 notices		1.50
Solomon Collins 1 day as a witness		.50
Wm Shoop " 1 " " " " " " by J.P. Kane		.50
James Moore 1 " " " " " "		.50
J.P. Kane 1 " " " " " " Mileage	⁶⁰ x ²⁴⁰	2.90
L. B. Turner Const. Summoning 5 Wits -		1.00
		\$12.00

I certify the above bill of cost is correct -
Given under my hand this 7 day of March
1888 - John Riddle J.P.

Notice

Messrs James H. Colyer, J. C. Libb, & John B. Scott
You are hereby notified that on the 8th day
of March 1888 at Harrods Grove in Giles County
Valley in Lee County Virginia, we will proceed to
take the depositions of ^{Louis Hamilton} ~~James H. Colyer~~ and others to be used
as evidence in our behalf in a certain suit now pending
in the circuit court of Lee County Virginia in
which we are complainants & you are defendants
but if from any cause the taking of said
depositions should not be commenced on that day
or if commenced & not completed, we will adjourn
from time to time & if necessary from place to
place until the same are completed.

February 28th 1888

J. B. Kane
Joseph B. Altmanus
Wm McGeorge
Edward A. Benson
J. M. Barker
Maggie A. Barker
per J. H. S.

copy for
J. C. Scott.

Personally appeared before me John
Riddle a Justice of the Peace in
& for Dist. Court - Thos L. Peterson
who made oath before me in due
form of law that - he delivered a
true copy of the within notice to
the same - J. C. Scott - J. C. Scott
& J. C. Gibson

Subscribed before
me this the 8th day of March 1888

John Riddle J. N.
J. P. for Dist. Court

This day personally appeared
J. P. Kane before me the undersigned
and made oath in due form of law
that he is informed and verily
believes that since the injunction
has been granted in the Chancery Cause
of J. P. Kane & others

against James C. Collier & also
that the said Jas C. Collier, Jas Scott
James Barrie & Jas McConnell.

Have not obeyed the order of the
Court in that case entered, but
have knowingly disobeyed the
same, and have been and are
now removing the lumber, logs,
timber &c, situated on the lands
described in said injunction order
in utter disregard of the order of
the Court, and is in contempt
of the same. Given under
my hand this the 30th day of
March 1888.

J. H. Taylor, Clerk

8500
8500
1900
350
54

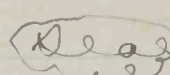
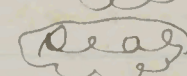
L. P. Kamm

affidant

This memorandum of agreement
made and entered into by and
between Jas E. Boelien of Lee County
Virginia of The first part and J. F.
Kane of Scott County Virginia
of The second part. Witnesseth
that I The said Jas E. Boelien
agree to let a suit that ^{is} now
pending in the Circuit Court
of Lee County va of J. F. Kane and
others vs myself and others
be dismissed at my (the said
Jas E. Boelien's) cost and judgment
rendered against me for the
land at the next of the Lee
County Circuit Court. and
I The said Jas E. Boelien agree
to pay all costs incurred by
said suit of every kind except
said Kane's contracted attorney's
fee. Said suit involves the
title of fifty acres of land
lying in Wild Cat Valley, Lee
County Virginia on the north
side of Powell's mountain in
the Matineer or Patriarch Survey.
Said Kane agrees to sell said
Boelien twenty five acres of the

land This suit involves at the
price of two hundred dollars
Said land is to be run out
as early as practicable, & is to
be laid off so as to embrace
where said Collier now lives
running back to Jesse Collier's
line & to the Borner line & around
with the cliffs. but it is to be
laid off so as to throw the
rest of said Kanes adjoining
land in good shape. and
said Kane is to ^{have} a right of
way through said Collier's
premises to have any timber
se he may laying back of
same. Said Kane agrees to let
said Collier have the timber
that has been cut and hauled
from this land down into
Borner's fields. but said ^{Kane} is
to have all the timber that
has been felled & sawed now
lying on said boundary
of land this day contracted
to said Collier. As soon
as said land is run out
said Collier is to locate his

notes bearing interest from date, one hundred dollars payable the 1st of next November & one hundred dollars payable Eighteen months after the date of the execution of said note with interest from date, and said Kane & others one to execute a title bond to said Collin for said land, as soon as it is given out & notes are executed, and when the purchase money is fully paid they one to execute a deed conveying their interest & title to said land, Given under our hands and seals this the 30th day of August 1888.

Witness: James E. Collins 
Attorn. A. Shepard. J. P. Kane 

For C. Collier
To Agreement
let judgment be
taken vs him for
land & tools.

"A B"

Know all men by these presents
that we I. P. Kane and James B. Richmond
are held and firmly bound unto the
Commonwealth of Virginia in the
just and full Sum of Four Hundred
Dollars, and for the prompt pay-
ment thereof we each bind our-
selves heirs &c, and we as to this
bond waive our Homestead exemp-
tions witness our hands and seals
this 10th February 1885.

The condition of the above oblig-
ation is such, that whereas the
above bound I. P. Kane obtained
an Injunction from the County
Court of Lee County, enjoining
and inhibiting James E. Collier
and C. A. Gibson from cutting
selling or removing any timber
or saw logs from the tract of land
mentioned in the Bill, or from
committing any other waste on
said land,

Now therefore should the
above bound I. P. Kane or
same are for him pay all
damages which may be
sustained by any person

on costs which may be awarded
against them, then this obli-
gation to be void otherwise
to remain in full force.

D. F. Kane *(Sd)*

James B. McKim *(Sd)*

D. F. Kane et al

vs Bond

James E. Collier et al

Filed Feb'y 10th 1888.

J. A. Libbyatt co.

Virginia

At a circuit court continued and
held for Lee County at the Court
house thereof April 3rd 1888,

J. P. Kane et al

Plaintiff

vs

James E. Collier et al

Defendants

In Chancery

On motion of Complainants in
this cause, and on an affidavit filed
herein a Rule is awarded against
J. E. Collier, James² E. Scott, James³ P.
Barron, James⁴ McConnell, L. A. Gibson
& John Collier, returnable before the judge
of this court on the fifth day of this
term of the court, to show cause if any
they can, why they should not be fined
and imprisoned for their contempt in
disobeying the injunction heretofore
awarded in this cause.

A Copy

Teste J. A. Hyatt c.c.

J. D. Kane et al

3 Copy of

vs 3 Rule

Gas. E. Collier et al

To 5th day of Apr. 5. 1888

Executed on J. E. Collier
James P Barron & John
Collier by delivering
to each an attested copy -
and executed on J. E.
Scott by delivering an
attested copy, Mrs Samuel
Jayne, a white person over
the age of 16 years, living at
the house of Samuel Jayne
the place where said
Scott usually resides, and
explaining the same to her,
he being absent. and on
C. A. Gibson by delivering
an attested copy to his dau-
ghter at his usual place
of abode, and explaining
the same to her. she being a
white person over the age
of 16 years and he being
absent. and I delivered
to a Mr Harris a teamster
for James McConnell a copy

for him & explained the
same to him.

R. D. Flannery, S. L. C.

The witnesses to have summoned
in case of L. F. Kane et al vs
Jas E. Collier.

Witnesses Louis Hamilton
Andy Goins, Wm Moore, and
Alet. Huff.

Release Gibson from the
suit of Jas Collier, he was
made a party but has
no connection with same
Have a Receiver appointed to look
after the timber that has been cut
(thos L Peterson is a good man)

Wm M
Jas E Collier
Jas E Collier

Graft Scott Co Va
Feb 30th 1888

Dear friend

J M John

Memo

Lemo

and David P. Brown

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

James C. Collier
and B. A. Gibson

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in *March* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *them* by *P. P. Lane Citizens*

of Scott County Va J. M. Barker wife Maggie A. Barker
Citizens of Sullivan County Tenn Edward Benson
William McGeorge Jr. and Joseph B. Attimus

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *10th* day of *February* 18*88*, in the 11*2* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

J. D. Lane et al

res Spain Okey

James E. Collier et al

Lo March Rules 1888

Executed on James
E. Collier Feb'y 18th
1888, not executed
on C. A. Gibson
he not being found
in my bailiwick

R. D. January 24th

Exed on J. E. Callan Feb. 18/88

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

James E. Collier
and C. A. Gibson

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in *March* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *them* by *J. D. Kane* citizen of

Scott County Va. J. M. Barker & wife Maggie A. Barker citizens of *Sullivan County Tenn.* *Edward Benson,*
William McGeorge Jr. and Joseph B. Attenus

And have then and there this writ, Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *10th* day of *February* 18 *88*, in the 11 *2* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

J. A. G. Hyatt

The object of this writ is to
to enjoin and inhibit the defendants from
cutting, selling, or removing any timber or
saw logs from the tract of land mentioned in the
bill, or from committing any waste thereon,
Bond with good security having been
executed in accordance with the order
of the Court.
Injunction in full force J. A. Hyatt &c

Done
L. J. Gibson

~~The proper affidavit having been made and
found returning been official correct, the officer
executing this writ, with~~